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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,229	10/31/2000	Todd S. Bowser	MATP-596US	1290

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EXAMINER
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KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/702,229</b>	Applicant(s) <b>Bowser</b>	R
Examiner <b>Victor R. Kostak</b>	Art Unit <b>2611</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on \_\_\_\_\_

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-16 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These three claims specify "*each shared data device ...*" which requires plural devices, but the respective base claims specifically allow for single devices (i.e. "*at least one shared data device ...*").

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for a patent published under section 122(b), by another filed in the United States before the invention by the applicant for a patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 rejected under 35 U.S.C. 102(e) as being anticipated by Humbleman.

The data communication system of Humbleman (noting particularly Figs. 1-3) involves providing auxiliary data from a television receiver STB 40, which comprises a terminal (e.g. cable network interface unit NIU 32 first applied to internal network 34 and then to STB 40) which applies a standard A/V stream and auxiliary data such as fax, e-mail, printer documents, and other

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data to other devices which Humpleman does not exhaustively list (col. 3 lines 9-16). Controller 90 (Fig. 5) of the STB transceiver works in concert with microprocessor 100 (Fig. 6) of the NIU transceiver to extract the auxiliary data which in turn is sent to a shared data device (e.g. DVCR, printer, PC) by way of communication channel 15, thereby meeting claim 1.

Considering claim 2, television DTV-1 inherently includes audio and video processors which provide the display screen and speakers (not shown) the selected A/V programming, wherein the STB decodes an MPEG stream to extract the A/V components to be sent to the separate audio and video processors (MPEG decoding discussed in col. 7 lines 32-51).

As for claim 5, the television data can be digital (e.g. col. 3 lines 30-33).

As for claim 6, the TV receiver is an STB (labeled STE) 40, as noted above.

As for claims 3 and 7, one of the devices can be a DVCR (noting element 16).

Regarding claims 4 and 8, Humpleman allows for any of various well known electronic devices to be communicated to, such as a printer 24 (col. Lines 13-18), and even sprinklers and lighting (col. 4 lines 1-22). Humpleman yet further mentions a master STB, implying that slave STBs are included (col. 5 lines 27-32).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman.

As for claim 9, Figs. 5 and 6 depict the communication between the NIU and STBs, and although Humpleman does not specify that a remote control receiver first receives initialization signals to begin the data stream disassembly, he does discuss that program logic device 66 (Fig. 5) receives a "receive enable" signal to initiate the processing (col. 8 line 66 - col. 9 line 1) which is associated with controller 90 (col. 9 lines 11-14). It would accordingly have been obvious to one of ordinary skill in the art to consider this receive enable signal as functioning as a signal which provides an initialization signal, or alternatively to provide some type initialization signal to prompt the receiver to accept an a/V stream for disassembly upon selection by the user. Also included are shared data decoding devices 70 and 72, and formatter (synthesizer 68) which generates a specific format protocol (i.e. MPEG).

As for claim 10, the TV receiver is an STB 40, as discussed above.

As for claim 11, Humpleman includes various shared devices, as noted above.

Regarding claim 12, it would have been clearly obvious to include any suitable buffering to ensure smooth processing and data transfer, as is very well known (Humpleman does not describe the specific circuit components of elements 70, 72 and 68).

As for claim 13, the shared device can be any of well known devices, such as a printer, as mentioned previously.

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As for claims 14 and 16, since a shared device can be a printer, data organized in page form would have been obvious (if not expected) to be generate. Moreover, the data presented in page form must be formatted accordingly in order to be presented in adequate fashion (e.g. having readable font).

As for claim 15, any amount of pages would have been obvious to put out as so desired by the user.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is informed that the additional references cited are also very pertinent to applicant's claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (703)-305-4374. The examiner can normally be reached on Monday through Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone (703) 306-0377.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Victor R. Kostak**

**Primary Examiner**



VRK

2/26/03